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#rolreport2025

LIBERTIES RULE OF LAW REPORT 2025



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GERMANY

FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2025 here.](#)

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GERMANY

ABOUT THE AUTHORS

Society for Civil Rights (Gesellschaft für Freiheitsrechte, GFF)



GFF (Gesellschaft für Freiheitsrechte/Society for Civil Rights) is a donor-funded organisation that defends fundamental and human rights by legal means. The organisation promotes democracy and civil society, protects against disproportionate surveillance and advocates for equal rights and social participation for everyone. To that end, the organisation conducts strategic litigation, lodges constitutional complaints against laws that violate fundamental rights and contributes its legal expertise to social debates. The Berlin-based non-profit organisation was founded in 2015 and is funded primarily through individual donations and the contributions of its supporting members.

We were supported by the following organisations:



LobbyControl: LobbyControl is a non-profit association that educates about power structures and influence strategies in Germany and the EU. LobbyControl advocate for transparency, democratic control and clear limits on influencing politics and the public.



FragDenStaat: FragdenStaat is a project established by the Open Knowledge Foundation e.V. and is the central contact point for freedom of information in Germany. FragDenStaat brings information to the public that was previously gathering dust in filing cabinets. Whether it's an email by a lobbyist, an environmental report, meeting minutes or a calendar entry – FragDenStaat helps liberate and publish it by using the Freedom of Information Law (Informationsfreiheitsgesetz, IFG).

KEY CONCERNS

Judicial System

Whilst minor progress has been made, e.g., in the efforts to ensure the loyalty of lay judges to the constitution, larger issues remain unaddressed. Germany's judiciary is overwhelmed with its workload and major reforms will not be adopted before the end of the current parliamentary mandate.

To date, Germany has not taken measures to ensure an adequate level of remuneration for judges and prosecutors. This is especially concerning as a significant number of individuals within the judiciary are approaching retirement age, creating an urgent need to fill numerous vacancies.

Anti-Corruption Framework

The federal government introduced a regulation promoting documentation and tracking of external influences on the legislative process (legislative footprint), although with a limited scope. A new criminal law on corruption of Members of Parliament was introduced.

The new legislative footprint rules do not include the disclosure of all lobby meetings with high-ranking public officials including ministers and state secretaries.

The length of the cooling-off period for ministers and state secretaries has not been increased.

Media Environment and Media Freedom

The situation in Germany has not changed significantly compared to last year. The number of physical attacks on journalists has decreased, yet it is still almost three times higher than in 2019. Germany's rise in the Reporters Without Borders ranking is due to deteriorating conditions in other countries.

Due to the dissolution of the government, the planned transparency law will not be introduced.

Checks and Balances

Introduction of the synopsis requirement, an illustration through which specific amendments to legislation can be traced, has little practical effects so far. Transparency and opportunities for civil society to participate in the legislative process have not been improved.

No laws have been adopted to disclose all lobbyists' input into legislation and the scope of the relevant legislation has been extended to the parliamentary phase.

Civic Space

Extensive budget cuts are threatening civic space. The laws governing tax exemptions for CSOs have not been reviewed extensively. Financial and political risks have increased for organisations working in highly politicised fields.

Modest changes to the law on tax exemptions for non-profit organisations are not enough to

foster a vivid civic space. Extensive public budget cuts make robust tax exemptions for CSOs even more crucial.

Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

Measures adopted in asylum and security law following a terrorist attack in Solingen constitute systematic human rights violations. There is little to no evidence that the measures adopted will contribute to an increase in internal security.

No specific recommendations were made in this regard.

State of play (versus 2024)

- Justice system
- ↑ Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances
- ↓ Civic Space
- ↓ Human Rights

Legend

Regression

No progress

Progress



JUSTICE SYSTEM



Key recommendations

- *The legislative branch needs to grant more funding for the judiciary branch and lower the entry requirements for judges in order to hire more employees who can tackle the ever-growing backlog of cases.*
- *Digitalisation should be driven forward by the judiciary itself, and special training should be given to the prosecutors and judges in question, including on electronic filing systems and publication of judgements.*
- *Women who wear headscarves should be granted equal opportunity to serve in lay judge positions.*

Judicial independence

Appointment and selection of judges, prosecutors and court presidents

Lay judges (*Schöff*innen*) in Germany often participate in criminal proceedings and have the same voting rights as professional judges. Lay judges are meant to represent society within the courtroom and bring diverse perspectives to judicial decisions. However, women who wear headscarves are often excluded from serving as lay judges. A recent case highlights this issue, where a Muslim woman was removed from the list of lay judges for wearing a headscarf. The decision was based on the North Rhine-Westphalian Judicial Neutrality Act (*Nordrhein-westfälisches*

Gesetz zur Wahrung der Neutralität der Justiz), which bans religious symbols in courtrooms.¹ The Society for Civil Rights (*Gesellschaft für Freiheitsrechte, GFF*) has challenged this law as unconstitutional before the Federal Constitutional Court (*Bundesverfassungsgericht*). The blanket ban on religious symbols is not only an attack on personal freedoms but also perpetuates discrimination against Muslim women.

Because the lists for lay judges rely on volunteers, communities sometimes struggle to find enough people to fill vacant positions, making them even more vulnerable to far-right actors calling upon their members and supporters to become lay judges so that their views may shape courtroom decisions. This problem has been tackled by a reform of the German

1 GFF, Neutralität statt Vielfalt?, 5 July 2024, available at: <https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-vb-schoeffin>

Judiciary Act (*Deutsches Richtergesetz*, DRiG) which aims to prevent extremists from serving as lay judges and codifies pre-existing rulings by the Federal Constitutional Court. Section 44a DRiG now provides that “the office of a lay judge shall not be conferred on anyone who has violated the principles of humanity or the rule of law”.²

Independence/autonomy of the prosecution service

In Germany, the Minister of Justice has the right to intervene in the work of the public prosecution. Critics call for the abolition of this right, referencing the ruling of the CJEU from 2019 which held that German prosecution is too susceptible to influence from the ministry to issue European arrest warrants.³

The Ministry of Justice presented a draft law in May 2024 amending Section 146 of the Court Constitution Act (*Gerichtsverfassungsgesetz*, GVG), in which prerequisites for interventions

by the Ministry are codified. Such orders may only be issued to prevent unlawful decisions by the prosecution. Additional measures were introduced to heighten transparency in cases of instruction, such as a text form requirement.⁴

However, due to the dissolution of the current government and the consequent new elections scheduled for 23 February 2025, it is unlikely that the draft amendment will be passed in this legislative period. This is cause for worry, as the rise of right-wing authoritarian parties in Germany make the issue of political interference in prosecutorial work ever more pressing.

Other

Regarding the growing influence of right-wing nationalist-authoritarian parties in Germany, public debate has focused on the resilience of democratic structures. At the core of the debate is the vulnerability of Germany’s highest court, the Federal Constitutional Court.⁵ Main provisions concerning powers, allocation

2 Deutscher Bundestag, BGBl. 2024 Nr. 320, Law Amending the German Judiciary Act (Gesetz zur Änderung des Deutschen Richtergesetzes), 25 October 2024, available at: <https://www.recht.bund.de/bgbl/1/2024/320/VO.html>

3 CJEU [GC], Judgement of 27 May 2019, OG and PI, Joined Cases C-508/18 and C-82/19 PPU

4 Ministry of Justice, Draft Act to Increase Transparency of Instructions to the Public Prosecutor’s Office,, (Entwurf eines Gesetzes zur Erhöhung der Transparenz von Weisungen gegenüber der Staatsanwaltschaft), 26 March 2024, available at: https://www.bmj.de/SharedDocs/Downloads/DE/Gesetzgebung/RefE/RefE_Transparenz_Weisungen.pdf?__blob=publicationFile&cv=2; https://www.bmj.de/SharedDocs/Pressemitteilungen/DE/2024/0502_Transparenz_Weisungsrecht.html

5 Bund-Länder-Arbeitsgruppe, Report on the Resilient Constitutional State, (Bericht der Bund-Länder-Arbeitsgruppe „Wehrhafter Rechtsstaat“), 18 April 2024, available at: https://www.mj.niedersachsen.de/download/208073/zu_TOP_I.2._-_Bericht_BLAG_Wehrhafter_Rechtsstaat_nicht_barrierefrei_.pdf&ved=2ahUKE-wiMmp2MlviKAxVgQPEDHdtYDsQQFnoECBcQAQ&cusg=AOvVaw0HxnLJTvzb-hPCOmqqkMGeZ

of courts or new judgeship appointments were only codified in the Federal Constitutional Court Act (*Bundesverfassungsgerichtsgesetz*, BVerfGG). This is a federal law which can easily be amended by a simple majority in Parliament. To safeguard the function of the Constitutional Court against this simple parliamentary majority, key elements of this act were incorporated into the constitution (*Grundgesetz*).⁶

Quality of justice

Resources of the judiciary (human/financial/material)

The judiciary in Germany has been struggling with an overload for years.⁷ This stems from multiple factors, the ever-increasing number of criminal reports, especially in the digital realm, for which the judiciary was not prepared, being one of them.⁸ Paired with a lack of human resources, this translates to an ever-growing backlog of cases and increasingly lengthy trials.

The public prosecutor's offices alone now lack around 2,000 investigators, but courts also complain about a lack of staff. On average, a criminal case takes more than 21 months from the receipt of a criminal complaint by the public prosecution to a ruling. Civil courts are also struggling with similar challenges.⁹

This lack of human resources is partially due to demographic change, high recruitment requirements, and comparatively low income for judges in contrast to possibilities in the private sector.

Fairness and efficiency of the justice system

Execution of judgments

The execution of judgements is seriously hampered by the denial of interim relief measures for access to information claims, even those of journalists and public watchdogs. This remains a problem, impairing the efficiency of the justice system, and undermining the right to access information.

6 Deutscher Bundestag, BGBl. I 2024 Nr. 439, Act to Amend the Basic Law (Articles 93 and 94), (Gesetz zur Änderung des Grundgesetzes (Artikel 93 und 94), 27 December 2024, available at: <https://www.recht.bund.de/bgbl/1/2024/439/VO.html>

7 David Bieber, *Staatsanwaltschaften unterbesetzt und überlastet*, nd, 28 April 2024, available at: <https://www.nd-aktuell.de/artikel/1181834.nordrhein-westfalen-staatsanwaltschaften-unterbesetzt-und-ueberlastet.html>

8 Alexander Eydlin, *Richterbund beklagt steigende Zahl von Anzeigen*, ZEIT ONLINE, 20 November 2024, available at: <https://www.zeit.de/gesellschaft/zeitgeschehen/2024-11/justiz-richterbund-anzeigen-ueberlastung-hass-internet>

9 LTO-Redaktion, *Richterbund warnt vor Überlastung der Justiz*, lto, 20 November 2024, available at: <https://www.lto.de/recht/nachrichten/n/dr-b-richterbund-uerberlastung-justiz-fallzahlen>

In addition to the problem that journalists and the public are being denied access to information when it is most relevant, courts are also facing increased risk that relevant information is being deleted or goes missing during the proceedings. This risk is especially high when it comes to digital communication, such as SMS, e-mails or messenger communication. There have been numerous cases in which SMS or messenger communications of politicians and public officials relevant for ongoing parliamentary investigation or, in one case, the subject of a legal dispute were deleted.¹⁰

Quality and accessibility of court decisions

Public access to published court rulings remains inadequate. Court decisions are not generally and centrally published. It is highly likely that the current rates of public reading access to court decisions will be similar to the statistics

summarised in 2021, which showed less than 1% of court decisions were being published.¹¹

Only individual high courts, such as the Federal Constitutional Court or the Federal Court of Justice, publish their judgements. However, even for the highest courts, an obligation to publish only arises if the decisions are deemed worthy of publication by the courts. This criterion is only assessed by the judges themselves without any possibility of legal review. Many courts lack systematic procedures for publication, so judges lack knowledge of initiation processes required to publish their decisions.

The few decisions published by the federal states (*Länder*) in state databases are published under the license of the state itself, meaning any reproduction or commercial use is prohibited. Only copying or printing for personal use is permitted.

ANTI-CORRUPTION FRAMEWORK

Key recommendations

- *The federal government should follow the EU Commission in its recent decision to disclose all meetings that officials with management roles have with lobbyists. Moreover, it should further strengthen the 'legislative footprint' by disclosing all lobbyists' inputs to legislation and extending the scope to the parliamentary phase of the legislative procedure.*

10 Vivian Kube, Hannah Vos, *Oops, we löscht it again!*, lto 13 November 2023, available at: <https://www.lto.de/recht/meinung/m/fragdenstaat-akteneinsicht-behoerden-loeschen-sms/>

11 Hanjo Hamann, *Der blinde Fleck der deutschen Rechtswissenschaft – Zur digitalen Verfügbarkeit instanzgerichtlicher Rechtsprechung*, JZ, 2021

- *There should be a limit for how much political parties can receive in the form of donations or sponsoring income from a single source, e.g., a ceiling of € 50.000 per year, party, and donor/sponsor.*
- *The cooling-off period for members of the federal government and parliamentary state secretaries should be doubled, and enforcement of these regulations improved.*

Framework to prevent corruption

Integrity framework including incompatibility rules (e.g.: revolving doors)

Although the rules governing post-office employment for certain public officials have been amended, the regulations for top-level decision-makers in the executive branch remain insufficient. The cooling-off period for government ministers and state secretaries should be extended beyond the current maximum of 18 months and doubled to constitute a maximum of 36 months. Additionally, sanctions should be introduced for violations of these rules. While the regulations concerning revolving doors have been strengthened for federal state secretaries, department heads, and civil servants with access to classified information, oversight remains inadequate. The system relies heavily on self-compliance. No sanctions are possible in cases of non-compliance or non-disclosure of relevant new activities.

The decision to approve or deny post-office employment during the cooling-off period should be based on an independent evaluation of each individual case. Currently, the government decides cases of post-office employment after an expert recommendation is published. This, however, only applies to the employment

of ministers and parliamentary state secretaries and does not include other high-ranking officials, such as heads of departments and permanent state secretaries (*Abteilungsleiter, verbeamtete Staatssekretäre*). Decisions regarding their employment are reached within the ministry itself and are therefore not monitored.

In general, the rules and mechanisms to address conflicts of interest for ministers and all politically appointed public officials should be updated and more closely aligned.

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

Lobby transparency

The reform of the lobby register law (*Gesetz zur Einführung eines Lobbyregisters für die Interessenvertretung gegenüber dem Deutschen Bundestag und der Bundesregierung/ Lobbyregistergesetz*) has been implemented and has already contributed to greater transparency. The 'legislative footprint', initially intended to complement the lobby register, was introduced in July 2024 as an amendment to the rules of

procedure of the federal government (*Gemeinsame Geschäftsordnung der Bundesministerien*).

However, the scope of the regulation is much narrower than proposed during the last legislative period. There is no obligation for ministries to disclose all lobby meetings, nor must written statements by lobbyists be made public. Instead, ministries are only required to provide information on those interest representations they deem to have had a significant impact on the legislation in question. This leaves considerable room for interpretation. It would certainly be more effective to better align and integrate the lobby register and the legislative footprint. The German government should follow the example of the EU Commission and disclose all meetings with registered lobbyists.

Political party financing

The enhanced transparency regulations from 2023, as described in the previous report, are a positive development.¹² On the other hand, the practical application and enforcement of the law is still unsatisfactory. To further minimise the risk of undue influence or even corruption, a limit for individual donations and sponsoring funding per donor/sponsor should be established as outlined in the key recommendations.

Rules on preventing conflicts of interest in the public sector

The mechanisms for preventing and managing conflicts of interest within the federal administration require a comprehensive re-regulation. Currently, there are no mandatory asset disclosure requirements for senior public officials, making it challenging to address potential conflicts of interest effectively. Ministers, state secretaries, and all politically appointed officials should be required to submit a declaration of financial interests.

Additionally, the regulations governing secondary employment for public officials should be revised to ensure that all paid side activities are subject to approval, which is not currently the case. Side jobs for companies or organisations with specific political or financial interests related to public officials' duties should be prohibited completely.

Investigation and prosecution of corruption

Criminalisation of corruption and related offences

The plans to address shortcomings in the criminal law on corruption and bribery of Members of Parliament, as reported last year, have moved forward. Parliament has passed a new criminal law that should make it possible to prosecute Members of Parliament who use

12 Civil Liberties Union for Europe, Rule of Law Report 2024, available at: <https://www.liberties.eu/en/stories/rolreport2024-main/45014>

their influence in government institutions for private gain.

The new law against ‘undue interest representation’, Section 108f of the German Criminal Code (*Strafgesetzbuch*, StGB), complements the existing Section 108e, which criminalises corruption only in the parliamentary sphere. Parliament did not use the opportunity to also change the existing Section 108e German

Criminal Code, although many critics see it as too narrow.

Additionally, the new Section 108f German Criminal Code is only applicable if paid lobbying is already prohibited by the rules of the respective parliament. This is the case for the German Bundestag but not for most of the parliaments of the *Länder*.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

Key recommendations

- *Newly implemented EU laws, such as the Media Freedom Act and the DSA, must be consistently implemented in Germany.*
- *Journalism with no profit motive must be recognised as non-profit under the German Fiscal Code (Abgabenordnung) and benefit from tax exemptions.*
- *After the failed adoption of the law against digital violence, the incoming coalition government needs to adopt measures to protect journalists online.*

Media and telecommunications authorities and bodies

Independence, enforcement powers and adequacy of resources of media and telecommunication authorities and bodies

The German Federal Network Agency (*Bundesnetzagentur*, BNetzA) has been designated as the German Digital Services Coordinator (DSC) under the Digital Services Act (DSA). The BNetzA itself already had

some degree of independence, and the rules have largely been strengthened regarding the responsibilities under the DSA (see Section 15 of the German Digital Services Act, *Digitale Dienste Gesetz*, DDG).

However, we see some practical issues as the funding for this new role is still lacking. This means that only a third of the staff could be hired. In addition, the new department is still headed by the president of the BNetzA itself. While the president has some guarantees of

independence, there are certain situations in which they can be relieved of office (Section 4, subsection 5 of the relevant law, the Gesetz über die Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen). These possibilities are not envisaged for the head of the DSC (Section 16 DDG).

This situation may worsen as the *BNetzA* will likely also become the main authority overseeing the coming Act on Artificial Intelligence, thus making the available resources even thinner.

Pluralism and concentration

The local newspaper landscape in Germany is facing significant challenges due to digitalisation and changing consumption habits, leading to a decline in diversity, particularly in rural areas. This trend is expected to continue, posing a growing threat to press freedom.¹³ For example, the Funke media group stopped delivering the *Ostthüringer Zeitung* to 300 subscribers in the Greiz district of Thuringia as high costs, including rising wages, made distribution unprofitable. Such developments will likely affect broader rural areas in Germany in the coming years.

Many local editorial offices are being closed or merged due to rising production costs, declining sales, and a shrinking advertising market, with most digital advertising revenue going to social media platforms rather than traditional media. A 2022 study commissioned by the government highlighted these issues, revealing that nearly half of newspaper publishers reduced their editorial staff between 2017 and 2022, with 62% expecting further reductions.¹⁴ The study also noted an increase in cross-publisher cooperation and article reuse, which diminishes content diversity, especially at local and regional levels. Drawing parallels with the U.S., the study warns of the creeping decay and disappearance of local journalism, which leads to less democratic participation in local politics.

Public trust in media

The 2023 Mainz Longitudinal Study on Media Trust published in 2024 reveals a slight decline in overall trust in the media compared to 2022.¹⁵ While 49% of respondents expressed confidence in the media on important issues in 2022, this number fell to 44% in 2023. Conversely, the proportion of those who distrust the media increased from 20% to 25%.

13 Reporters Without Borders, *Nahaufnahme Deutschland*, 2024, available at: https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Downloads/RSF_Nahaufnahme_Deutschland_2024.pdf

14 DIW ECON, *Die Situation der lokalen Presse in Deutschland und ihre Herausforderungen im Zeitalter der Digitalisierung*, 8 September 2022, available at: https://www.kulturstaatsministerin.de/SharedDocs/Downloads/DE/2023/2023-03-31-gutachten-zur-situation-der-lokalen-presse-data.pdf?__blob=publicationFile&cv=1

15 Kai Remen, Michaela Waldow, *Wie sich das Vertrauen in Medien verändert*, zdf, 17 April 2024, available at: <https://www.zdf.de/nachrichten/panorama/medien-vertrauen-studie-universitaet-mainz-100.html>

Despite this shift, public broadcasters (Öffentlich-rechtlicher Rundfunk, ÖRR) remain highly trusted by most Germans. When asked openly which media outlets they trust, respondents ranked *ARD* and *ZDF* the highest. Public-service television led the trust rankings, with 64% of respondents deeming it very or somewhat trustworthy.

However, the study also highlights concerning trends, particularly the growing prevalence of media cynicism since 2020. Notably, 23% of respondents agreed to some extent with the statement that “established media and politics work hand in hand to manipulate public opinion.”¹⁶

These results underscore challenges for media creators in maintaining public trust.

Public Service Media

Editorial standards (including diversity and non-discrimination)

At the Conference of Prime Ministers of the *Länder* (*Ministerpräsidentenkonferenz*) in October 2024, the *Länder* agreed on major public broadcasting reform. The reforms aim to enhance efficiency and reduce costs by cutting smaller TV channels, reducing radio programs,

limiting expenditure on sports rights, and limiting online activities of major German public broadcasters *ARD* and *ZDF*.

The reforms require approval from all state parliaments to take effect. If any parliament rejects the proposal, the changes cannot be implemented. The reforms could begin by summer 2025 if approved.¹⁷

Financing (including transparency of financing)

Public broadcasters in Germany are financed by adaptable fees paid by citizens. The current monthly broadcasting fee for *ARD*, *ZDF* and *Deutschlandradio* is €18.36. A new fee period begins on 1 January 2025. The independent commission assessing broadcasters’ financial needs recommended an increase of €0.58 to €18.94, a process based on constitutional law. While the *Länder* are generally expected to follow this recommendation, resistance in the past, such as from Saxony-Anhalt, resulted in a Federal Constitutional Court ruling against the state. If *Länder* fail to agree again, the issue could return to the court.¹⁸

16 Oliver Quiring et al., *Mainzer Langzeitstudie Medienvertrauen 2023*, September 2024, available at: https://medien-vertrauen.uni-mainz.de/files/2024/04/Mainzer_Langzeitstudie_Medienvertrauen_2023.pdf

17 SZ, dpa and saul, Rundfunkbeitrag wird nicht erhöht, 25 October 2024, available at: <https://www.sueddeutsche.de/medien/rundfunkbeitrag-ard-zdf-erhoehung-reform-lux.YScziMT5PdgqxZA839o9Kh>

18 Tagesschau, *Länder einig bei Reform – Entscheidung zu Beitrag vertagt*, 25 October 2024, available at: <https://www.tagesschau.de/inland/laender-oerr-100.html>

Online media

The Federal Administrative Court (*Bundesverwaltungsgericht*) has decided that the constitutional rights of freedom of the press also apply to online media outlets.¹⁹

Frequency of verbal and physical attacks

Compared to the previous year, the press freedom situation in Germany has not fundamentally changed. However, as a result of the sharp decline in demonstrations about the COVID pandemic and right-wing extremist demonstrations, the number of physical assaults against media professionals has declined, dropping from a record-high number of 103 in the previous year to 41 recorded and reported attacks. Nevertheless, the number is still almost three times as high as in 2019.²⁰

Physical attacks against journalists are often prepared, coordinated and spun out online. Examples include cyberstalking, so-called

doxxing, hate speech, shitstorms, etc.²¹ Regardless of the urgency of the issue, the key points presented by the Federal Ministry of Justice in 2023 for a law against digital violence have still not led to a draft approved by the cabinet.²²

Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse

Germany has yet to implement the EU Anti-SLAPP Directive. As a result, there are still no significant legal protections against SLAPPs for journalists. Over the past year, far-right actors have particularly sought to suppress critical reporting through SLAPPs. Following the publication of an article by the investigative platform Correctiv about a meeting of far-right extremists in Potsdam²³, some participants systematically targeted media coverage of the event. One of the participants, Ulrich Vosgerau, has initiated over 40 legal proceedings,²⁴ giving the impression that he aims to systematically suppress reporting. At the

19 Arne Semsrott, “Pegasus” – BND-Spionagesoftware vor Gericht, fragdenstaat, 4 November 2024, available at: <https://fragdenstaat.de/artikel/klagen/2024/11/bnd-klage-pegasus/>

20 Reporters Without Borders, *Nahaufnahme Deutschland*, 2024, available at: https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Downloads/RSF_Nahaufnahme_Deutschland_2024.pdf.

21 Westdeutscher Rundfunk, *Deutsche Welle-Reporter nach Interview in Düsseldorf angegriffen*, 15 October 2024, available at: <https://www1.wdr.de/kultur/kulturnachrichten/pressefreiheit-deutsche-welle-al-shami-100.html>

22 Reporters Without Borders, *Nahaufnahme Deutschland*, 2024, available at: https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Downloads/RSF_Nahaufnahme_Deutschland_2024.pdf

23 Marcus Bensmann et al., *Neue Rechte – Geheimplan gegen Deutschland*, correctiv, 10 January 2024, available at: <https://correctiv.org/aktuelles/neue-rechte/2024/01/10/geheimplan-remigration-vertreibung-afd-rechtsextreme-november-treffen/>

24 Junge Freiheit, *Spendenaufruf – “Correctiv”-Rebell Vosgrau bittet um Unterstützung*, 17 October 2024, available at: <https://jungefreiheit.de/kultur/medien/2024/correctiv-rebell-vosgrau-bittet-um-unterstuetzung/>

same time, Vosgerau launched a fundraising campaign that raised over €180,000 to cover his legal costs,²⁵ thereby creating a significant financial power imbalance, particularly against private individuals or blogs he has targeted.

Amending existing national laws or drafting and adopting new laws, which regulate the use of spyware, including safeguards and remedies

Under German law, there are certain legal provisions for the use of spyware by intelligence services and police authorities. Last year, the legal provision to use spyware for law enforcement purposes under the German Code of Criminal Procedure (*Strafprozessordnung*, StPO) was expanded despite several pending constitutional complaints. Most problematically, spyware can now be used to surveil humanitarian workers in the refugee aid field.²⁶ Additionally, the legal provision to use spyware in cases of domestic burglary has been extended for another five years, as an evaluation

was deemed impossible due to the COVID-19 pandemic.²⁷ Moreover, an additional preparatory offence under the German Explosives Act (*Sprengstoffgesetz*, SprengG) has been added as a trigger for deploying spyware, along with other minor changes.²⁸ In the federal state of Mecklenburg-Western Pomerania, a provision allowing the police to use spyware for preventive purposes was amended to comply with the requirements of the Federal Constitutional Court, which had declared parts of the legal provisions unconstitutional.²⁹

Access to information and public documents

In contrast to the recommendation of the EU Commission in its 2024 Rule of Law Report, Germany has still not advanced the plan to create a legal basis for the right to information of the press in relation to federal authorities. Some areas are being completely excluded from the right to information by the press. The courts deny any rights of the press to receive

25 GoFundMe, Prozesskostenhilfe nach dem Potsdam-Treffen, available at: <https://www.gofundme.com/f/Prozesskostenhilfe-nach-dem-Potsdam-Treffen>

26 Anna Biselli, *Eingeschleuste Staatstrojaner*, netzpolitik.org, 17 January 2024, available at: <https://netzpolitik.org/2024/rueckfuehrungsverbesserungsgesetz-eingeschleuste-staatstrojaner/>

27 Stefan Krempel, *Überwachung: Bundestag lässt Polizei länger mit Staatstrojanern Einbrecher jagen*, heise, 14 November 2024, available at: <https://www.heise.de/news/Ueberwachung-Bundestag-laesst-Polizei-laenger-mit-Staatstrojanern-Einbrecher-jagen-10035163.html>

28 Martin Schwarzbeck, *Mit Staatstrojanern gegen Geldautomatensprengungen*, netzpolitik.org, 22 July 2024, available at: <https://netzpolitik.org/2024/gesetzentwurf-mit-staatstrojanern-gegen-geldautomatensprengungen/>

29 Federal Constitutional Court (Germany), Order of 9 December 2022, No. 1 BvL 1345/21, available at: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2022/12/rs20221209_1bvr134521.html?nn=148438

any information about pardon decisions made by the President.³⁰

At the level of the *Länder*, journalists still do not have the right to access documents, solely the right to have their questions answered. To gain access to public documents, they need to base their claims on the freedom of information acts of the *Länder*, which still do not exist in Bavaria and Lower-Saxony. Furthermore, there are considerable differences amongst the *Länder* as some include broad exceptions such as the transparency legislation of Saxony.³¹ Many *Länder*, such as Berlin, have not updated their legislation even though this has been on the agenda and in the coalition contracts for many years.³²

The lack of systematic digitalisation and any law regulating proper filing and archiving of information continue to undermine access to information. State authorities regularly refuse

to grant access to digital communication. They argue that digital communication is not official communication and, therefore, freedom of information legislation does not apply.³³

Furthermore, exceptions in the access to information legislation are being interpreted broadly both by the authorities and the courts, severely diminishing the effect of this legislation. That is, for example, the case with regard to confidentiality. Authorities can easily declare documents as “for official use only”, which make such documents fall under the exception clause. Judicial review, however, regards the need for such confidentiality as limited.³⁴

This is also the case for financial and tax authorities. Broad exception clauses apply, which exclude ministerial decision-making in financial and tax matters in its entirety. Investigations into the *cum ex* scandals, a tax fraud scheme where investors claimed multiple

30 Vivan Kube, Hannah Vos (2024), ‘Begnadigung von Gefolgsleuten – und keiner merkt’s’, *Verfassungsblog*, 15 April 2024, available at: <https://verfassungsblog.de/begnadigung-von-gefolgsleuten-und-keiner-merkts/>

31 Ingo Dachwitz (2022), ‘Neues Transparenzgesetz für Sachsen’, *netzpolitik.org*, 31 December 2022, available at: <https://netzpolitik.org/2022/neues-transparenzgesetz-fuer-sachsen-wir-hinken-teilweise-weit-hinterher/>

32 Ingo Dachwitz (2022), ‘Sachverständiger heimgeschickt’, *netzpolitik.org*, 14 December 2022, available at: <https://netzpolitik.org/2022/sachverstaendiger-heimgeschickt-spd-blockiert-erneut-berliner-transparenzgesetz/>

33 Hannah Vos, Arne Semsrott (2024), ‘Wie Ministerien Informationen verschweigen’, *FragDenStaat*, 21 November 2024, available at: <https://fragdenstaat.de/anfrage/kommunikation-zu-oeffentlichem-brief-ueber-wire/>; Arne Semsrott (2024), ‘Hängebschluss nach unserem Eilantrag’, *FragDenStaat*, 3 July 2024, available at: <https://fragdenstaat.de/artikel/policy/2024/11/massnahmen-revolution-der-akten-informationen-verschweigen/>; Arne Semsrott (2024), ‘Gericht verbietet Bildungsministerium vorerst Löschung von Nachrichten’, *FragDenStaat*, 3 Juli 2024, available at: <https://fragdenstaat.de/artikel/klagen/2024/07/gericht-verbietet-bildungsministerium-vorerst-loschung-von-nachrichten/>

34 Vivian Kube et al. (2023), ‘Missbrauch von „Verschlussachen“ zur Informationsblockade’, *lto*, 22 July 2023, available at: <https://www.lto.de/recht/meinung/m/frag-den-staat-verschlussache-nur-fuer-den-dienstgebrauch>

refunds on a single dividend tax payment, costing billions in public funds, are severely hampered by this.³⁵

Any positive developments regarding the application of anti-SLAPP rules for domestic cases, such as transparency, procedural safeguards and remedies

The EU Anti-SLAPP Directive has not been implemented in Germany. Following

the collapse of the governing coalition at the federal level in November, implementing the directive within the directives' implementation deadline appears almost impossible. Without implementation, there is still a lack of statutory legal protection as well as state support mechanisms. In the absence of state-provided assistance, several civil society initiatives offering advice and support have emerged, including a contact point established in April 2024 for journalists affected by SLAPPs.³⁶

CHECKS AND BALANCES



Key recommendations

- *Federal ministries need to establish minimum time frames for stakeholder comment periods and consultations in legislative processes.*
- *The government must ensure that the Commissioner for Data Protection and Freedom of Information has sufficient powers to act on both data protection and freedom of information issues effectively.*
- *Germany's federal equality body needs to meet the requirements set out in the Race and Ethnicity Equality Directive in order to enable it to perform its mandate effectively.*

35 Semsrott, A. ‚Hintertür in Finanzgesetz‘, [netzpolitik.org](https://netzpolitik.org/2021/hintertuer-in-finanzgesetz-gesetzesanderung-verhindert-aufklaerung-des-cum-ex-skandals/), 25 February 2021, available at: <https://netzpolitik.org/2021/hintertuer-in-finanzgesetz-gesetzesanderung-verhindert-aufklaerung-des-cum-ex-skandals/>

36 NOSLAPP.DE, 2024, available at: <https://www.noslapp.de/>

Process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

Ministries are still setting very short comment periods for stakeholder consultations in legislative processes, sometimes a few days or even hours. Reasons that could justify such short deadlines are not apparent.

A quantitative study published in May 2024 by *Mehr Demokratie e.V.*, *FragDenStaat* and *Green Legal Impact e.V.* highlights the limited involvement of civil society organisations in Germany's legislative process.³⁷ Although the ministries claim to strive for adequate involvement, the data suggests otherwise. The study examined data from federal ministries over the past two legislative periods. It reveals that in almost two-thirds of cases, these organisations had less than 20 working days to submit their statements, and in about one-third of cases, they had just 10 days or less. In nearly 20%

of cases, the time given was even shorter—five days or less.

For environmental laws, the situation is particularly problematic. Despite the Aarhus Convention's requirement for public participation in environmental matters, civil society groups often face very short comment period—sometimes only a few days to respond to laws related to environmental or climate issues. Tight deadlines not only make it difficult for organisations to provide meaningful feedback but can also lead to serious consequences, such as missed opportunities for important legal revisions. The rushed nature of the process, particularly in areas with significant human rights implications, often results in superficial laws that do not address the root causes of the issues at hand.

Examples of this in 2024 include:

- National implementation of the Common European Asylum System reform with a comment period of less than 6 days.³⁸
- Law on the Amendment of Energy Industry Law with less than 3 days.³⁹

37 Deleja-Hotko et al., *FragDenStaat Keine Zeit für Zivilgesellschaft*, 15 May 2024, available at: <https://fragdenstaat.de/artikel/exklusiv/2024/05/stellungnahmefristen-interessensverbände-zu-wenig-zeit/>

38 BAfF (2024), 'Stellungnahme der Bundesweiten Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer (BAfF) zum Referent*innenentwurf des Bundesministeriums des Innern und für Heimat zur Reform des Europäischen Asylsystems', 21 October 2024, available at: https://www.baff-zentren.org/wp-content/uploads/2024/10/Stellungnahme_GEAS_Verbaende_BAfF_20241021.pdf

39 Bitkom (2024), 'Ergänzende Stellungnahme zum Entwurf eines Gesetzes zur Änderung des Energiewirtschaftsrechts', available at: <https://www.bitkom.org/Bitkom/Publikationen/Ergaenzende-Stellungnahme-Entwurf-Aenderungsgesetz-Energiewirtschaftsrecht>

- Law on the Modernization of Unemployment Insurance and Employment Promotion, with a comment period of 3 days, including the weekend.⁴⁰

While the introduction of the “synopsis requirement” in the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung*, GGO) is a step towards greater transparency, the ministries have so far not fully met this obligation. From 1 June 2024 onward, all legislative proposals must include a synopsis outlining changes compared to existing law. However, implementation of this requirement has been inconsistent. While the intention is to help both experts and the public easily understand proposed amendments, the lack of adequate compliance with this rule undermines its effectiveness in enhancing transparency.

Independent authorities

In 2024, Germany established a Commissioner for Data Protection and Freedom of Information at the federal level, and the 14 *Länder* have adopted freedom of information legislation. While these institutions have, in some cases, made a significant contribution to strengthening the right to access information and supporting individuals and civil society, several shortcomings remain. First, the election of such commissioners is highly opaque

and, therefore, not in line with the EU General Data Protection Regulation. Second, while these commissioners have far-reaching powers in the area of data protection, including the right to issue orders, their abilities regarding freedom of information are limited to the function of an ombudsperson. They advise citizens who make requests under freedom of information laws, mediate between the person making the request and the authority in the event of a dispute and can draw attention to shortcomings and call for legal reforms through activity reports to parliaments and recommendations. In addition, they can also visit authorities and file complaints if they disregard the provisions of freedom of information legislation. However, they lack any means to enforce their legal opinion against the authorities. In addition, the Commissions have fewer financial resources and personnel at their disposal when it comes to freedom of information.

In 2024, the *Bundestag* created the position of an independent Police Ombudsman at the federal level. The position is equipped with significant powers, including the ability to investigate individual cases and structural issues within the federal police forces. However, the jurisdiction is limited to federal police officers, and the majority of police officers in Germany are employed by state-level police forces. On the federal level many states lack dedicated

40 Tacheles e.V. (2024), BMAS legt Gesetzesentwurf mit massiven Verschärfung des SGB II vor, 29 September 2024, available at: <https://tacheles-sozialhilfe.de/aktuelles/archiv/bmas-legt-referentenentwurf-zur-massiven-verschaerfung-des-sgb-ii-vor-gesetzes-zur-modernisierung-der-arbeitslosenversicherung-und-arbeitsfoerderung-dummy-fuer-aktuelle-artikel-kopie.html>

police commissioners, or the existing ones have little authority.

Germany's equality body, the Federal Anti-Discrimination Agency (FADA), may seek a voluntary, out-of-court settlement between parties. However, it cannot investigate complaints, lodge proceedings before the courts, or support claimants in their proceedings, nor can it bring parties into a binding arbitration process, making it one of the least powerful equality bodies in Europe.⁴¹ The FADA, therefore, does not meet EU Law requirements for the establishment of equality bodies. These include the establishment of procedures for fact-finding, effective rights of access to information and documents, and suitable procedures for cooperation with relevant public authorities. Anti-discrimination bodies must be empowered to issue non-binding opinions or binding decisions and, where necessary, propose concrete measures to address and prevent discrimination. Current law and even the draft law for the implementation of the EU directive do not meet these requirements on anti-discrimination bodies.

Accessibility and judicial review of administrative decisions

In Germany, there are considerable restrictions on legal protection regarding decisions on symbol bans in connection with association bans.⁴² It is not possible to lodge an appeal against the prohibition of a symbol. Legal remedies must be sought by the affected associations themselves.⁴³ Individuals who do use the same symbols but not in relation to banned associations cannot claim legal protection. In the context of pro-Palestinian protests, this has meant that last year, the exclamation 'from the river to the sea, Palestine will be free' was not only included as an alleged 'symbol' of Hamas but also that individuals cannot challenge this decision of the Federal Ministry.⁴⁴

Electoral framework

Transition of power

In 2023, the electoral law in Germany was comprehensively amended.⁴⁵ The aim of the electoral reform was to reduce the size of the Parliament. A positive political process preceded the reform, in which the opposition

41 Commissioner for Human Rights of the Council of Europe, Report following her visit to Germany from 27 November to 1 December 2023, CommHR(2024)13, 23 February 2024

42 Deutscher Bundestag, Sec. 9 of the Associations Act, BGBl. I S. 593, 1964 (Vereinsgesetz).

43 Federal Constitutional Court (Germany), Order of 13 July 2018, No. 1 BvR 1474/12, available at: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2018/07/rs20180713_1bvr147412en.html?nn=68654).

44 Federal Ministry for Home Affairs, Federal Gazette, 2 November 2023, available at: <https://www.bundesanzeiger.de/pub/de/amtliche-veroeffentlichung?3>.

45 Bundestag, Wahlrechtsreform, 2023, available at: <https://www.bundestag.de/services/glossar/glossar/W/wahlrechtsreform2023-974280>

was also extensively involved. The changes to the electoral law did not result in the governing parties gaining any special advantages. In 2024, two opposition parties challenged

the reform before the Federal Constitutional Court. The Constitutional Court ruled that the reform was largely compatible with the principle of democracy.⁴⁶

CIVIC SPACE

Key recommendations

- *Extensive review of the laws governing tax exemptions for CSOs is needed to allow them to engage in political participation with legal certainty.*
- *Sec. 129 of the German Criminal Code must be reformed to ensure that it is not used to criminalise political movements.*
- *In the fight against antisemitism, state actors must uphold the rule of law and civil rights. Controversial pro-Palestinian activities in art, culture, academia, and on the streets should not be met with repressive and disproportionate measures.*

Freedom of association

Involuntary dissolution

In July 2024, the Federal Ministry of the Interior issued a ban order against the far-right magazine *Compact*. The legal basis of the decision was a ban of the publishing association. The Federal Administrative Court has confirmed the procedure of banning the press

through the ‘back door’ of association law. As a result, although German law does not provide for the dissolution of press publishers, associations that distribute press publications can be rightfully dissolved. However, the Ministry of the Interior has not considered the special requirements of proportionality. Due to freedom of expression and freedom of the press, the extent to which problematic publications constitute an overall character worthy

46 Federal Constitutional Court (Germany), Judgement of 30 July 2024, No. 2 BvF 1/23, available at: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2024/07/fs20240730_2bvf000123.html?nn=68080

of prohibition must be carefully examined.⁴⁷ The Ministry also did not thoroughly examine whether banning individual publications based on press law is a less intrusive measure. Even if state action against right-wing structures is to be welcomed, the principles of the rule of law must be taken into account.⁴⁸

Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations

In Germany, access to public funding and resources for civil society organisations (CSOs) has become increasingly politicised, particularly for those involved in sensitive political causes.

Culture, art and science projects are confronted with new funding challenges at federal and state levels if they want to work on topics related to the conflict in the Middle East. Various regulatory instruments have been passed by Parliament or are being developed by governments at *Länder* and local level, which threaten to sanction work critical of Israel due

to accusations of antisemitism. Even if funding has not yet been withdrawn in individual cases, cultural and academic institutions are experiencing financial uncertainty and are in danger of losing external funding support.

Examples of these challenges include the closure of the cultural centre Oyoun in Berlin. Funding for the centre was withdrawn after the project lent use of its space to the organisation Jewish Voice for Just Peace in the Middle East.⁴⁹ Despite initial confirmation of funding until 2025, the Berlin authorities cited antisemitism concerns, leading to the termination of the contract. This decision, widely seen as politically motivated, has resulted in the centre being forced to vacate its premises, with public resources being reallocated. Similarly, the Frieda Women's Centre faced closure threats due to its staff's participation in pro-Palestinian events, highlighting how political controversies can directly impact access to public funding and public spaces.⁵⁰ These examples show the growing challenges faced by CSOs working on contentious issues, as they risk losing public support and resources due to political pressures.

47 Federal Administrative Court (Germany), 6 VR 1.24, Order of 14 August 2024, available at: <https://www.bverwg.de/de/140824B6VR1.24.0>

48 Paula Rhein-Fischer (2024), 'Zeitungsverbot durch die Hintertür', *Verfassungsblog*, 19 July 2024, available at: <https://verfassungsblog.de/compact-verbot/>

49 The Berliner (2023), 'Oyoun cultural centre to close after Berlin cuts funding', *The Berliner*, 22 November 2023, available at: <https://www.the-berliner.com/english-news-berlin/oyoun-cultural-centre-to-close-after-senate-cuts-funding-jewish-voice-israel/>

50 Elmar Schütze (2024), 'Frauenzentrum Frieda in Kreuzberg: Judenfeindlich und schlampig', *Berliner Zeitung*, 24 June 2024, available at: <https://www.berliner-zeitung.de/mensch-metropole/berlin-antisemitisch-und-schlampig-li.2228053>

Publicly funded projects that are active in the areas of gender equality, climate justice, anti-racism and asylum are also facing increasing pressure. On the one hand, this is due to extensive cost-cutting measures, particularly at the federal level.⁵¹ Furthermore, private right-wing actors, as well as public institutions, are accusing these organisations and public donors of not distributing funding in a politically neutral manner.⁵² In the federal state of Saxony, this accusation, among others, has led to small CSOs having to answer to parliamentary committees of enquiry.⁵³ The CSOs have neither the financial nor the human resources to undergo such proceedings. In another case in Saxony, an association came under financial scrutiny following increasing political pressure, which resulted in the reclaiming of funds and the subsequent insolvency of the association.⁵⁴

Other

The legal uncertainties concerning public participation and political activity of civil society organisations with tax-exempt status (public benefit organisations) have not been resolved. An open letter from almost 200 CSOs calling on the German government to change the law on non-profit organisations has also not led to any changes.⁵⁵ On 5 June 2024, the federal government introduced a modest reform proposal through the Taxation Development Law (*Steuerfortentwicklungsgesetz*). This proposal aimed to slightly expand the scope of political engagement for CSOs. It included provisions allowing CSOs to address current political topics beyond their original tax-exemption purposes. However, the proposed changes offered little to no substantial improvement to the overall framework governing the political engagement of CSOs.

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- 51 Anna Biselli (2024), 'Zivilgesellschaftliche Projekte sorgen sich um Finanzierung', [netzpolitik.org](https://netzpolitik.org/2024/bundeshaushalt-zivilgesellschaftliche-projekte-sorgen-sich-um-finanzierung/), 13 November 2024, available at: <https://netzpolitik.org/2024/bundeshaushalt-zivilgesellschaftliche-projekte-sorgen-sich-um-finanzierung/>; Nina Apin et al. (2024), 'Berliner Kultur von Kürzungen bedroht', *taz*, 13 December 2024, available at: <https://taz.de/Berliner-Kultur-von-Kuerzungen-bedroht/!6054078/> see also <https://ljbberlin.de/7-millionen-euro-weniger-berlin-kuerzt-massiv-bei-jungen-menschen>
- 52 Jonas Deyda (2023), 'Weaponized Neutrality', *Verfassungsblog*, 14 December 2023, available at: <https://verfassungsblog.de/weaponized-neutrality/>
- 53 Mdr Sachsen (2024), 'Nur AfD sieht Korruption beim Sozialministerium', *mdr*, 26 September 2024, available at: <https://www.mdr.de/nachrichten/sachsen/dresden/dresden-radebeul/untersuchungsausschuss-verdacht-korruption-sozialministerium-afd-100.html>.
- 54 Mdr Sachsen (2024), 'Migranten-Verband sieht sich als Bauernopfer der sächsischen Politik', *mdr*, 9 May 2024, available at: <https://www.mdr.de/nachrichten/sachsen/insolvenz-dachverband-migranten-fluechtlinge-foerderung-mittel-100.html>
- 55 Die Allianz 'Rechtssicherheit für politische Willensbildung', available at: <https://www.zivilgesellschaft-ist-gegeninnuetzig.de/die-allianz/>.

Despite the limited scope of the reform, negotiations in Parliament reached their final stages. However, the process came to a halt when the governing coalition collapsed. As a result, no reform was enacted during this legislative period. Consequently, it appears unlikely that the systemic challenges surrounding the political engagement of CSOs in Germany will see meaningful change within the following year.

Criminalisation of activities, including humanitarian or human rights work

Associations that organise peaceful civil disobedience continue to be criminalised. Section 129 of the German Criminal Code - formation of a criminal organisation - is being misused for this purpose. Climate activists from the Last Generation (*Letzte Generation*) are being especially affected by this practice. Even an early suspicion allows the investigating authorities to take far-reaching measures such as house searches or surveillance measures. This practice not only has extreme consequences for those directly affected but also has a deterrent effect on entire movements.

The first regional public prosecutor's offices have now brought charges against members of the Last Generation for the first time for forming a criminal organisation.⁵⁶ Convictions levelled against the group have, therefore, become more likely. CSOs are hence calling for a reform of Section 129 of the German Criminal Code.⁵⁷

Freedom of peaceful assembly

Rules on organisation, authorisation of and participation to assemblies

The Palestine Congress in Berlin faced significant interference from local authorities, raising concerns about the right to peaceful assembly.⁵⁸ The actions of the security authorities against the Palestine Congress and certain individuals have been criticised as excessive and disproportionate.⁵⁹ Considering the organisers' cooperation with the authorities and the extremely vague threat assessment by the police, there is reason to believe that the dissolution was unjustified. Among other measures, former Greek finance minister Yanis Varoufakis and Ghassan Abu-Sittah, a British-Palestinian

56 Dpa/jb/LTO-Redaktion, *Erste Anklage wegen Bildung einer kriminellen Vereinigung*, lto, 21 May 2024, available at: <https://www.lto.de/recht/nachrichten/n/staatsanwaltschaft-neuruppin-letzte-generation-klimaschutz-bildung-einer-kriminelle-vereinigung>

57 Amnesty International (2024), *Deutschland: Amnesty Fordert Reform von § 129 Strafgesetzbuch*, 11 April 2024, available at: <https://www.amnesty.de/pressemitteilung/deutschland-paragraf-129-amnesty-fordert-reform-friedlichen-protest-schuetzen>

58 Dpa, AFP, Reuters (2024), *'German police shut down pro-palestinian conference'*, Deutsche Welle, 13 April 2024, available at: <https://www.dw.com/en/german-police-shut-down-pro-palestinian-conference/a-68810306>

59 Ralf Michaels (2024), *'Welche Regeln in Berlin gelten'*, Berlin Review, 2 May 2024, available at: <https://blnreview.de/ausgaben/2024-05/ralf-michaels-palaestina-kongress-rechtsstaat-repression>

surgeon, were denied entry to Germany to prevent them from giving speeches at the Congress. These bans violated EU law. Hence, Abu-Shittah's ban was lifted by the administrative court in Potsdam.⁶⁰ It is likely that the dissolution of the assembly will be overturned by the courts.⁶¹ No criminal offences were committed at the Congress and the organisers were not informed in advance of a ban on the opening speaker. Although the organisers agreed to comply with the ban on their opening speaker, the Congress was still dissolved. More lenient measures were not considered. It can be assumed that the regional government exerted considerable political pressure on the police officers on site. This approach shows in a worrying way that the authorities are prepared to violate assembly laws if they can achieve their political goals in the short term.

Bans on protests

In Berlin, following 7 October 2023, blanket demonstration bans were issued, targeting assemblies of pro-Palestine groups in Berlin.⁶² The way in which the pro-Palestinian protests are dealt with has changed over time. Over time, the Assembly Authorities (*Versammlungsbehörde*) have turned to imposing restrictions on demonstrations, banning certain slogans instead of blanket bans.⁶³ Moreover, the media reported on unnecessary and excessive use of force by police, hundreds of arrests and increased racial profiling of people perceived as Arab or Muslim in the context of these protests.⁶⁴

The Assembly Authorities (*Versammlungsbehörde*) in Berlin pre-emptively issued blanket bans on protests in solidarity with Palestinians around the Nakba Remembrance Day. The reasoning laid out in the ban orders was

60 Matthias Monroy (2024), 'Einreiseverweigerung für Ghassan Abu-Sittah war rechtswidrig', nd, 16 May 2024, available at: <https://www.nd-aktuell.de/artikel/1182225.verwaltungsgericht-potsdam-einreiseverweigerung-fuer-ghassan-abu-sittah-war-rechtswidrig.html>

61 Hanno Fleckenstein (2024), 'A lawsuit against the dissolution of the congress is pending before the Berlin Administrative Court', *Gewaltenteilung in Gefahr*, taz, 27 May 2024, available at: <https://taz.de/Aufloesung-von-Palaestina-Kongress/!6010191/>

62 Nora Noll (2024), 'Demoverbote in Berlin: Versammlungsfreiheit gilt nicht mehr', nd, 23 October 2023, available at: <https://www.nd-aktuell.de/artikel/1177223.nahost-konflikt-demoverbote-in-berlin-versammlungsfreiheit-gilt-nicht-mehr.html>

63 So far the regional administrative courts assessed the legality of bans and restrictions differently, see for example Administrative Court Muenster (Germany), order from the 17.11.2023, 1 L 1011/231 or Appellate Administrative Court Kassel (Germany), order from the 02.12.2023, 2 B 1715/23. Decisions by federal courts, including the Federal Constitutional Court, are still pending.

64 Amnesty International (2023), 'Germany', 2023, available at: <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/germany/report-germany/>

based on stigmatising and racist stereotypes of people perceived as Arab or Muslim. Despite significant concerns about the compatibility of these blanket bans with the right to peaceful assembly and the right to non-discrimination, the courts upheld the bans.

Bans on the use of symbols/slogans in protests

Prohibitions of slogans and symbols in the context of Palestinian solidarity lead to restrictions on freedom of assembly. The ban on the phrase ‘from the river to the sea’ has already led to criminal convictions since it was issued by the Federal Ministry of the Interior in 2023.⁶⁵ Even if rulings in individual cases refer to the phrase’s propagation in social networks, it is to be expected that these convictions will also impact and deter its use at assemblies.

Policing practices, including dispersion of protests, use of force

So-called pain grips are part of police practice in many federal states - and have become alarmingly normalised. Those affected by racist police operations have long experienced this practice, and climate protesters are also

increasingly affected by pain grips. From a human rights perspective, the use of pain grips in the context of peaceful assembly is highly problematic and likely to violate fundamental and human rights obligations. This conclusion is reached in a report by Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, criticising the use of pain grips by German police authorities.⁶⁶

Freedom of expression and information

Restrictions on access to information

The editor-in-chief, Arne Semsrott of the CSO *FragDenStaat*, reported on an ongoing criminal case against members of the Last Generation regarding accusations of forming a criminal organisation. The editor published court decisions from the case, which is illegal under Section 353d No. 3 of the German Criminal Code. Consequently, the Berlin Regional Court (*Landgericht Berlin*) ordered the editor-in-chief after his publications to pay fine.⁶⁷ This complete ban on publishing court documents severely interferes with the freedom of the press and is incompatible with recent

65 Regional Court Berlin (Germany), Decision of 8 November 2024, 502 KLS 21/24, available at: <https://www.berlin.de/gerichte/presse/pressemitteilungen-der-ordentlichen-gerichtsbarkeit/2024/pressemitteilung.1501343.php>

66 UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, State repression of environmental protest and civil disobedience, February 2024, available at: https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf

67 Michelle Trimborn (2024), ‘Press freedom at risk’, *fragdenstaat*, 14 October 2024, available at: <https://fragdenstaat.de/en/articles/lawsuits/2024/10/press-freedom-arne-semsrott-in-court/>

ECtHR case law.⁶⁸ Journalists must be able to report on ongoing criminal cases without becoming targets of prosecution themselves. These punishments also result in not only a violation of press freedom but also a restriction on public access to information. Access to primary sources is particularly important for civil society, especially at a time when short snippets of text dominate social media.

Online civic space

There are regulations, such as content removal obligations and liability rules, that aim to counter the spread of misinformation, hate speech, and other harmful content in the online media ecosystem. However, in the aftermath of the Hamas attack on 7 October 2023, allegations have been made that Palestinian voices and media were censored on social media while, at the same time, online spaces have been flooded with disinformation. Antisemitic and racist hate speech surged on various digital platforms, making digital spaces unsafe for Jewish and Muslim communities. Balancing the need for a safer online space with the preservation of diverse viewpoints remains a complex challenge in the evolving digital era.

The Society for Civil Rights (*Gesellschaft für Freiheitsrechte*, GFF), together with a Facebook user, are taking legal action against Meta to prevent the company from conducting

automated scans of messenger messages. Through this lawsuit, they aim to establish the illegality of broad chat controls. Meta justifies its actions by citing a temporary exemption for scans related to child abuse material.⁶⁹

The number of officers in the Federal Police Office (*Bundeskriminalamt*, BKA) is set to increase in 2024 as part of the implementation of the DSA in Germany. However, the necessity to educate law enforcement on digital threats and violence has not been recognised. The needed training for law enforcement is also not touched upon in the key points of the planned law against digital violence.

Measures to facilitate access to law enforcement or to file legal proceedings against digital violence are put on the back burner; neither the planned law against digital violence nor the law implementing the DSA in Germany address this issue.

Attacks, threats and hate speech online

German law currently does not provide for effective legal redress against violations of personal rights in the digital sphere. Victims of online violence often face difficulties in asserting their rights. Often, identifying the perpetrator is already hindered by a lack of information or the factor of time. The planned digital violence protection law (*Gesetz gegen*

68 ECtHR [GC], Judgement of 28 June 2012, *Ressiot et al v. France*, no. 15054/07, 15066/07; ECtHR [GC], Judgement of 28 June 2011, *Pinto Coelho v. Portugal*, no. 28439/0

69 GFF, *Chatkontrolle bei Facebook*, 2024, available at: https://freiheitsrechte.org/themen/freiheit-im-digitalen/chatkontrolle_facebook

digitale Gewalt)⁷⁰, designed to address these issues, will not be adopted due to the collapse of the governing coalition.

Public participation

Rules and practices on dialogue with civil society

In Germany, there is little regulated citizen participation, and it is practised mainly at the municipal level (in the area of building and planning law). It is used less frequently at the state and federal levels, where participation takes place via written statements. Individuals can submit their comments directly to the authority, which must also respond in writing. These procedures tend to have a very low deliberative quality, as there can be little real exchange of ideas with mutual influence on the point of view. Therefore, the current forms of legally regulated citizen participation are often perceived as inflexible and outdated, and proposals to modernise the procedures have not yet been legally implemented.

Impact on civic space of emergency and crisis situations

The crisis situations are having a negative impact on civic space. There are major budget issues due to constitutional limits on government debt, and at the same time, spending has increased because of the war in Ukraine. Germany is witnessing a shift to the right in politics, even though far-right parties are not yet in power. The political mood is pushing even liberal groups to adopt more restrictive policies. This has an impact, for example, on how people who campaign for climate protection are treated. The conflict in the Middle East is also impacting the situation in Germany. Differences between the views of a diverse public space and a government that has made Israel's security a cornerstone of its policy continue to lead to increasing conflicts at various points.

70 Federal Ministry of Justice, *Digitale Gewalt: Stärkung der privaten Rechtsverfolgung im Internet*, 9 December 2024, available at: https://www.bmj.de/DE/themen/digitales/digitale_kommunikation/digitale_gewalt/digitale_gewalt_artikel.html

DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT



Key recommendations

- *National or international crises make it no less necessary for governments to abide by the rule of law. Transgressions in social and asylum law, such as those following the terrorist attacks in Solingen, must be reversed. Proposals to tighten surveillance and security laws should not be implemented.*
- *Following the example of Hesse and Rhineland-Palatinate, other states should issue rules ensuring that people waiting for their deportation remain eligible for social benefits.*

Systemic human rights violations

Widespread human rights violations and/or persistent protection failures

The German state not only failed to adequately protect refugees but significantly weakened their position and violated international and European law by amending sections of the Asylum Act (*Asylgesetz*, AsylG), as well as the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*, AsylbLG), causing refugees to lose their protected status if they travel to their country of origin, unduly excluding them from social benefits as well as introducing prepaid cards instead of assisting with cash.

Section 73 of the Asylum Act came into effect on 31 October 2024. Under the new regulations, refugees lose their protected status if they travel to their country of origin for reasons deemed not “morally compelling.” Refugees from Ukraine are exempt from this rule. Critics argue that revoking protection status due to such travel constitutes inhumane harassment and violates the UN Refugee Convention and the EU Qualification Directive. The Geneva Refugee Convention (Article 1, Section C, No. 1) allows for revocation on the same grounds, but it makes clear that revocation should not happen in cases of short stays.⁷¹

The exemption for “morally compelling” trips offers little relief, as the Federal Office for

71 GFF, Stellungnahme zum Leistungsausschluss für Dublin-Fälle nach § 1 Abs. 4 AsylbLG und dem Widerruf des Schutzstatus nach § 73 Abs. 1 AsylG, 16 October 2024, available at: <https://freiheitsrechte.org/uploads/publications/GFF-Stellungnahme-Aenderungsantrag-Sicherheitspaket.pdf>.

Migration and Refugees determines the validity of such reasons only after the individual's return. In practice, this discourages refugees who have lived in Germany for years from travelling home, even in urgent cases such as illness or the death of a family member.

The new section 1 of the Asylum Seekers Benefits Act provides that people present in Germany, but whose asylum procedure falls under the jurisdiction of another EU country, will no longer receive social benefits once their deportation has been ordered (so-called Dublin cases). This violates the EU Directive on standards for the reception of applicants for international protection,⁷² the fundamental right to ensure a dignified minimum standard of living and has serious potential consequences for the individuals affected. Since there is no possibility of voluntary travel by the affected individual to the responsible country under the Dublin directive and the state-coordinated deportations are often delayed by several months, the exclusion from social benefits after only two weeks as envisaged by the newly

amended Section 1 Subsection 4 Asylum Seekers Benefits Act will lead to destitution and homelessness.⁷³

The federal states of Hesse and Rhineland-Palatinate have even issued letters ordering the authorities not to apply the law due to its obvious violations of European law.⁷⁴

Prepaid debit cards

Since 16 May 2024, German authorities have had the option to provide basic benefits under the Asylum Seekers' Benefits Act through a prepaid debit card. These cards, which are not linked to a bank account, allow recipients to withdraw small amounts of cash—up to €50 per month for adults - or make purchases at specific retailers. However, they come with significant restrictions, such as limited acceptance in stores, no support for online shopping or bank transfers and additional fees for some transactions. These limitations make it difficult for recipients to meet basic needs affordably, excluding them from common economic activities like buying used goods online or paying

72 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

73 GFF (2024), Stellungnahme der Gesellschaft für Freiheitsrechte zum Leistungsausschluss für Dublin-Fälle nach § 1 Abs. 4 AsylbLG und dem Widerruf des Schutzstatus nach § 73 Abs. 1 AsylG, 16 October 2024, available at: <https://freiheitsrechte.org/uploads/publications/GFF-Stellungnahme-Aenderungsantrag-Sicherheitspaket.pdf>

74 RheinlandPflaz (2024), Gesetz zur Verbesserung der inneren Sicherheit und des Asylsystems / Reform des Leistungsausschlusses und der Überbrückungsleistungen nach § 1 Abs. 4 Asylbewerberleistungsgesetz (AsylbLG) n.F., 05 December 2024, available at: https://mffki.rlp.de/fileadmin/07/Dokumente/Themen/Integration/Rundschreiben_zur_Fluechtlingspolitik/Rundschreiben_zum_Thema_AsyLbLG/RS_des_MFFKI_vom_05.12.2024_zum_Gesetz_zur_Verbesserung_der_innenen_Sicherheit_und_des_Asylsystems___Reform_der_Ueberbrueckungslei.pdf

for school activities, sports club memberships, or medical expenses.

The debit card system not only risks falling below the legally defined minimum standard for a dignified existence but also creates unjust inequalities. In contrast to recipients of special non-contributory cash benefits (such as social welfare), who receive funds directly into their bank accounts, cardholders face heightened barriers solely due to their residency status despite often living in Germany for several years. This restricted access undermines their ability to participate fully in society and exacerbates economic and social disparities, which is why the Society for Civil Rights (*Gesellschaft für Freiheitsrechte, GFF*) has started legal action in particular cases to prevent the restrictive card system from being implemented in all *Länder*.⁷⁵

Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Rights

Increasing numbers of pushbacks at the reintroduced internal German border controls violate decisions of the CJEU. On the one hand, the CJEU has set strict standards for the introduction of inner European border controls.⁷⁶ It stated that reintroducing internal border controls should remain an exception and only be carried out as a last resort. The court requires an actual threat to inner security; a mere risk is insufficient. In any case, the public's sense of security is not sufficient.⁷⁷

Germany's notification letter to the European Commission on the introduction of border controls at the Western German borders does not take these rulings into account. The notification is not based on any security analysis, let alone a comprehensive one, which would prove that the reintroduction of internal border controls would benefit Germany's security interests. The increasing number of pushbacks at German borders since introducing internal border controls is also incompatible with CJEU

75 GFF (2024), FAQ_zur Bezahlkarte, 4 December 2024, available at: <https://freiheitsrechte.org/themen/gleiche-rechte-und-soziale-teilhabe/faq-bezahlkarte>

76 European Court of Human Rights (ECtHR), *Austria Denmark Germany France Sweden*, ECLI:EU:C:2022:298, 26 April 2022, available at: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=258262&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3176745>

77 CJEU [GC], 26 April 2022, *NW v. Landespolizeidirektion Steiermark, Bezirkshauptmannschaft Leibnitz*, Joined Cases C-368/20 and C-369/20

rulings.⁷⁸ Officially, no person seeking asylum is being pushed back. However, accounts from CSOs working in this area indicate a different practice.⁷⁹ *Only recently, the ECtHR ruled that pushbacks of asylum seekers regularly violate the ECHR.*⁸⁰ German courts had previously ruled that the procedural provisions of the Dublin Agreement must be considered. This is not possible in the case of pushbacks at the borders.⁸¹

The adoption of a resolution in November 2024 on the fight against antisemitism by the Parliament's largest groups has triggered rule of law and ECtHR ruling adherence concerns among CSOs.⁸² Regardless of the controversial content of the resolution, the Parliament reaffirmed its Boycott, Divest and Sanction (BDS) resolution from 2019 and called on the federal states and municipalities to take comparable measures. This happened even

though there are already numerous court decisions in Germany (including from the Federal Administrative Court) that consider measures based on the BDS resolutions to be unlawful.⁸³ According to these, the exclusion from public resources of people with close ties to BDS is not compatible with the freedom of expression. The resolution also takes insufficient account of the ECtHR decision in the case *Baldassi and Others v. France*. In its ruling, the ECtHR held that calling for boycotts is protected by the right to freedom of expression and cannot be considered incitement to discrimination.⁸⁴

It can be assumed that the drafters of the resolution were aware of this ruling and nevertheless adhered to the text of the resolution. Such blatant disregard for the court's judgement cast considerable doubt on the participant's understanding of the rule of law.⁸⁵

78 Jan Bielicki (2024), 'Neue Zahlen in der Asylpolitik', SZ, 6 September 2024, available at: <https://www.sueddeutsche.de/politik/migration-grenzen-deutschland-zurueckweisungen-fluechtlinge-lux.TsxQvvxpQcEiXHmHNXDLpA>

79 ECCHR, 'Kontrollen und Zurückweisungen an den deutschen Grenzen Fragen und Antworten', available at: <https://www.ecchr.eu/fall/kontrollen-und-zurueckweisungen-an-den-deutschen-grenzen/>

80 ECtHR, Judgement of 15 October 2024, H.T. v. Germany and Greece, no. 13337/19

81 Anna Lübke (2019), *Administrative Court of Munich on Seeboer Push Backs: No Protection of Interim Legal Protection?*, Verfassungsblog, 11 May 2019, available at: <https://verfassungsblog.de/administrative-court-of-munich-on-seeboer-push-backs-no-protection-of-interim-legal-protection/>

82 David Issacharoff (2024), 'Absurdist: Jewish Artists Warn Against Germany's New Antisemitism Resolution', Haaretz, 12 November 2024, <https://www.haaretz.com/jewish/2024-11-12/ty-article-magazine/.premium/jewish-artists-warn-against-germanys-new-absurdist-antisemitism-resolution/00000193-1ff2-d707-a9d3-7ffb787f0000>

83 Federal Administrative Court (Germany), 8 C 35.20, Judgement of 20.01.2022, available at: <https://www.bverwg.de/pm/2022/6>

84 ECtHR, Judgement of 11 June 2020, Baldassi and Others v. France, no. 15271/16, 15280/16, 15282/16 et al.

85 Ali Ighreiz et al. (2024), 'Resolution auf Kosten der Grundrechte', Verfassungsblog, 13 November 2024, available at: <https://verfassungsblog.de/antisemitismus-resolution-grundrechte/>

FOSTERING A RULE OF LAW CULTURE

The Forum Law Foundation (*Stiftung Forum Recht*) was founded by law (*Forum-Recht-Gesetz*, ForumRG) in 2019 as a federal foundation under German public law (*Bundesunmittelbare Stiftung des öffentlichen Rechts*).⁸⁶ The purpose of the foundation is to address current issues of law and the rule of law in the Federal Republic of Germany as a basic prerequisite for a functioning and vibrant democracy in a communication, information and documentation forum designed for citizen participation.

Its efforts include the production of two podcasts, quizzes, film festivals, and city tours that focus on the rule of law free of charge.

Contribution of civil society and other non-governmental actors

To mark the 75th anniversary of the German constitution, the Basic Law, the Society for Civil Rights (*Gesellschaft für Freiheitsrechte*, GFF) organised a series of university lectures spanning two semesters, starting in 2024. This initiative aims to familiarise particularly law students but also interested students of other faculties with the relevance of the rule of law and the fundamental principles of our Basic Law.

At a time when democratic values and the rule of law are increasingly being challenged, it is

crucial to raise awareness of these issues. The university tour offers a platform for discussions, workshops and lectures that not only shed light on legal aspects but also address social issues. A central component of these events covers how suitable cases are found and which individuals are eligible as plaintiffs, as well as discussions on the possibilities and limitations of strategic litigation.

The project met a wide range of responses and feedback. Noticeably, students showed great interest not only in the organisation's legal work but also in the policy work. Events met great demand, and the participant's engagement and genuine interest were valuable starting points for shared discussions. The project thus entered the current legal discourse in Germany, emphasising the importance of human rights-based legal work and inspiring future generations of lawyers to engage in human rights and civil rights work.

86 Deutscher Bundestag, BGBl. I 2019, Nr. 19, Law for the Establishment of the 'Forum Recht Foundation' (Gesetz zur Errichtung der "Stiftung Forum Recht")

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Gesellschaft für Freiheitsrechte (GFF)

Society for Civil Rights

The GFF is a Berlin-based not-for-profit-NGO founded in 2015. Its goal is to establish a sustainable structure for successful Strategic Litigation for Human and Civil Rights (HCR) in Germany, bringing together plaintiffs with excellent litigators in order to challenge infringements of HCR in court.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 21 national civil liberties NGOs from across the EU.

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